S T A T E O F N E W Y O R K

2314

2009-2010 Regular Sessions

I N S E N A T E

February 18, 2009

Introduced by Sens. HUNTLEY, ADAMS, ESPADA, FOLEY, KRUEGER, LAVALLE, MONSERRATE, PARKER, SAMPSON, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to requiring the installation of carbon monoxide detectors in school buildings

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The education law is amended by adding a new section 411 to read as follows:

S 411. INSTALLATION OF CARBON MONOXIDE DETECTORS. THE COMMISSIONER SHALL ADOPT REGULATIONS REQUIRING THE INSTALLATION OF OPERABLE CARBON MONOXIDE DETECTORS IN EVERY ELEMENTARY AND SECONDARY SCHOOL BUILDING WITHIN THE STATE WHEREIN THE USE OF HEATING OR OTHER EQUIPMENT POSES A SUBSTANTIAL RISK OF EXPOSURE TO CARBON MONOXIDE. SUCH CARBON MONOXIDE DETECTORS SHALL MEET THE MANUFACTURE, DESIGN AND INSTALLATION STANDARDS ESTABLISHED BY THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE COUNCIL PURSUANT TO SECTION THREE HUNDRED SEVENTY-EIGHT OF THE EXECUTIVE LAW.

S 2. Subdivision 6-c of section 3602 of the education law, as amended by section 1 of part A2 of chapter 62 of the laws of 2003, is amended to read as follows:

6-c. Building aid for metal detectors, SECURITY CAMERAS AND OTHER SECURITY DEVICES, CARBON MONOXIDE DETECTORS and safety devices for electrically operated partitions, room dividers and doors. In addition to the apportionments payable to a school district pursuant to subdivision six of this section, the commissioner is hereby authorized to apportion to any school district additional building aid pursuant to this subdivision for its approved expenditures in the base year for the purchase of stationary metal detectors, security cameras, CARBON MONOXIDE DETECTORS REQUIRED PURSUANT TO SECTION FOUR HUNDRED ELEVEN OF THIS CHAPTER, safety devices for electrically operated partitions and room dividers required

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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pursuant to section four hundred nine-f of this chapter, or other security devices approved by the commissioner that increase the safety of students and school personnel, provided, however, that funds apportioned to school districts pursuant to this section shall not supplant funds for existing district expenditures or for existing contractual obligations of the district for stationary metal detectors, security cameras, CARBON MONOXIDE DETECTORS, partition and room divider safety devices, or security devices. Portable or hand held metal detectors shall not be eligible for aid pursuant to this subdivision. Such additional aid shall equal the product of the building aid ratio computed for use in the current year pursuant to paragraph c of subdivision six of this section and the actual approved expenditures incurred in the base year pursuant to this subdivision, provided that the limitations on cost allowances prescribed by paragraph a of subdivision six of this section shall not apply. The commissioner shall annually prescribe a special cost allowance for metal detectors, and security cameras, and the approved expenditures shall not exceed such cost allowance. THE COMMISSIONER SHALL ANNUALLY PRESCRIBE A SPECIAL COST ALLOWANCE FOR CARBON MONOXIDE DETECTORS, AND THE APPROVED EXPENDITURES SHALL NOT EXCEED SUCH COST ALLOWANCE. The commissioner shall annually prescribe a special cost allowance for partition and room divider safety devices, and the approved expenditures shall not exceed such cost allowance.

S 3. Notwithstanding any other provision of law, rule or regulation to the contrary no school district shall be required to make expenditures in its current fiscal year or in any subsequent fiscal year of more than one hundred dollars per affected school building for carbon monoxide detectors.

S 4. This act shall take effect January 31, 2010, and shall apply to all school buildings first occupied on or after such date, provided, however, that the commissioner of education shall be immediately authorized and directed to promulgate rules and regulations and take any and all other actions necessary to implement the provisions of this act on such date, and provided further that such rules and regulations shall provide that school buildings occupied prior to January 31, 2010 shall be required to install operable carbon monoxide detectors not later than January 31, 2012.